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Amendments to the Drawings

The attached Replacement Sheets include changes to FIGS. 1-2. The sheets replace the original sheets including FIGS. 1-2. On the Replacement Sheet, the legend "(BACKGROUND ART)" is added as required by the Examiner.

Attachment: Replacement Sheets (2)

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Remarks

Applicants thank Examiner Le for allowing Claims 3, 9, 14, 22, 23, 26, 33, 37, 41-43, 46, 59, 60, 67, 71, 74, 80, 81, 102, 114, 115 and 120. All rejected independent claims (i.e., Claims 1, 18, 24, 63, 86 and 121) have been canceled, without prejudice towards the filing thereof in any subsequent continuation application. The remaining rejected dependent claims have either been canceled (e.g., Claims 2, 45 and 87-96, again without prejudice towards the filing thereof in a subsequent continuation application) or amended to depend directly or indirectly from an allowed claim. Thus, Claims 3-17, 19-23, 25-44, 46-51, 53-54, 56-62, 64-85 and 97-120 are in condition for allowance.

The Rejection of Claims 1, 12-13, 24-25, 27-32, 34-36, 38, 44, 47-51, 53, 56-58, 61-66, 68-70, 72-73, 75, 78, 82-86, 88-98, 111-113, 116-117 and 121 under 35 U.S.C. § 102(a) is Respectfully Traversed

The rejection of Claims 1, 12-13, 24-25, 27-32, 34-36, 38, 44, 47-51, 53, 56-58, 61-66, 68-70, 72-73, 75, 78, 82-86, 88-98, 111-113, 116-117 and 121 under 35 U.S.C. § 102(a) as being anticipated by Applicants' FIGS. 1-2 has respectfully traversed.

Neither Applicants nor Applicants' representatives have, at any time, stated, indicated, admitted, or otherwise suggested that FIGS. 1-2 of the present application are prior art available against the present claims under any section of 35 U.S.C. § 102 et seq. M.P.E.P. § 2129 appears to require a statement "identifying the work of another as 'prior art'" in order to constitute an admission that the work is available as prior art against the claims.^a There is no such statement in either Applicants' FIGS. 1-2 or the present application, and there has been no such admission during prosecution.

^a Mere inclusion in the background section of an application does not appear to be sufficient. Applicants' undersigned representative is not aware of any statutory, regulatory or policy basis for presuming or concluding that any disclosure in the background section of an application is an admission that such disclosure constitutes prior art available against the claims.

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The Examiner can take official notice that Applicants' FIGS. 1-2 are commonly known in the art and rely on a self-executed Affidavit attesting to his personal knowledge of facts establishing such technology as prior art available under 35 U.S.C. § 102 against the claims:

"If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding." M.P.E.P. § 2144.03, citing 37 C.F.R. 1.104(d)(2).

The Office Action of August 5, 2005 contends that the term "conventional art" is equivalent to the term "prior art," and appears to rely on M.P.E.P. § 2129 to support the contention. However, as set forth in the Office Action, for any statement in the disclosure to constitute an admission of prior art, M.P.E.P. § 2129 requires that Applicants (1) identify the work of another and (2) identify it as "prior art." Applicants have done neither, and the Examiner has only identified part of a statement in the application that FIGS. 1-2 include conventional subject matter. This does not identify the subject matter of FIGS. 1-2 as the work of another, nor does it necessarily identify the subject matter as available under one or more subsections of 35 U.S.C. § 102.

That being said, assuming for the sake of argument that the technology shown in Applicants' FIGS. 1-2 is available as prior art against the present claims, FIGS. 1-2 of the present application neither disclose nor suggest an overvoltage protection circuit in communication with a common mode circuit, wherein at least part of the common mode circuit is electrically interposed between the overvoltage protection circuit and a differential signal transmission line, as recited in canceled Claims 1 and 63 (and claims dependent therefrom). Similarly, Applicants' FIGS. 1-2 neither disclose nor suggest a means for protecting circuitry from an overvoltage, wherein at least part of a means for reducing a swing of a differential signal transferring means is electrically interposed between the means for protecting and the differential signal transferring means, as recited in canceled Claim 24 (and claims dependent therefrom). Furthermore, Applicants' FIGS. 1-2 neither disclose nor suggest the step of shunting an overvoltage to a low impedance node through a termination circuit, as recited in canceled Claim 86 (and claims dependent therefrom). Finally, Applicants' FIGS. 1-2 neither disclose nor

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suggest first and second overvoltage protection circuits coupled to separate nodes in a voltage divider, as recited in Claim 121. Thus, assuming for the sake of argument that the technology disclosed in Applicants' FIGS. 1-2 is available as prior art against the present claims, Applicants' FIGS. 1-2 are saliently deficient with respect to the present claims.

First, Applicants' FIG. 1 does not disclose an overvoltage protection circuit or means for protecting circuitry from an overvoltage. Thus, Applicants' FIG. 1 cannot anticipate any claim that recites an overvoltage protection circuit or means for protecting circuitry from an overvoltage (e.g., canceled Claims 1, 24, 63 and 121). Similarly, because Applicants' FIG. 1 does not disclose an overvoltage protection circuit or means for protecting circuitry from an overvoltage, Applicants' FIG. 1 cannot anticipate any claim that recites a method of protecting a differential circuit from an overvoltage that includes shunting the overvoltage to a low impedance node through a termination circuit (e.g., canceled Claims 86-96). Thus, Applicants' FIG. 1 does not anticipate any of the present claims.

Second, Applicants' FIG. 2 does not disclose a circuit comprising a differential signal transmission line, a common mode circuit and at least one overvoltage protection circuit, where at least part of the common mode circuit is electrically interposed between the overvoltage protection circuit and the differential signal transmission line. In Applicants' FIG. 2, no part of the common mode circuit is electrically interposed between an overvoltage protection circuit and the differential signal transmission line. At best, an output of the common mode circuit meets an input of an overvoltage protection circuit at a node shared with or including a differential signal transmission line. Thus, Applicants' FIG. 2 does not anticipate any claim that recites a circuit where at least part of the common mode circuit (or means for reducing a swing) is electrically interposed between the overvoltage protection circuit and the differential signal transmission line (or the means for transferring and the means for protecting; see, e.g., canceled Claims 1, 24 and 63).

However, instead of particularly pointing out the part of the common mode circuit in Applicants' FIG. 2 that is electrically interposed between the overvoltage protection circuit and the differential signal transmission line, or otherwise explaining where such an arrangement can

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be found in Applicants' FIG. 2, the claim language has merely been repeated in the Office Action (again), and the unsupported assertion made (again) that Applicants' FIGS. 1-2 disclose it. The unsupported assertion that the claimed elements are present in FIGS 1-2 is legally insufficient:

[37 C.F.R.] § 1.104 Nature of examination.

(c) Rejection of claims.

- (1) If the invention is not considered patentable, or not considered patentable as claimed, the claims, or those considered unpatentable will be rejected.
- (2) In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, *the particular part relied on must be designated* as nearly as practicable. *The pertinence of each reference*, if not apparent, *must be clearly explained* and each rejected claim specified.

If it is believed that Applicants' FIGS. 1-2 disclose a common mode circuit, at least part of which is electrically interposed between an overvoltage protection circuit and a differential signal transmission line, the Examiner is invited to designate that particular part of Applicants' FIGS. 1-2 on which reliance is placed for such disclosure. In the absence of such designation, Applicants respectfully request withdrawal of this ground of rejection.

Similarly, Applicants' FIG. 2 does not disclose a circuit comprising a means for transferring a differential signal, a means for reducing a swing of the means for transferring, and at least one means for protecting circuitry from an overvoltage, where at least part of the means for reducing is electrically interposed between the means for protecting and the means for transferring. Thus, consistent with the explanation provided immediately above, Applicants' FIG. 2 cannot anticipate any claim that recites an arrangement where at least part of the means for reducing is electrically interposed between the means for protecting and the means for transferring (see, e.g., canceled Claim 24). Again, the Examiner is invited to designate that particular part of Applicants' FIGS. 1-2 on which reliance is placed for disclosure of such a

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circuit arrangement. In the absence of such designation, Applicants respectfully request withdrawal of this ground of rejection.

Furthermore, Applicants' FIG. 2 does not disclose first and second overvoltage protection circuits coupled to nodes in a voltage divider (Claim 121). In Applicants' FIG. 2, the overvoltage protection devices are coupled to the differential signal transmission line and/or to nodes external to the voltage divider, not in the voltage divider. Thus, Applicants' FIG. 2 does not anticipate Claim 121, which recites first and second overvoltage protection circuits coupled to nodes in a voltage divider. Again, the Examiner is invited to designate that particular part of Applicants' FIGS. 1-2 on which reliance is placed for disclosure of such a circuit arrangement. In the absence of such designation, Applicants respectfully request withdrawal of this ground of rejection.

Finally, Applicants' FIG. 2 does not disclose a circuit capable of performing a method of protecting a differential circuit from an overvoltage that includes the step of shunting an overvoltage to a low impedance node through a termination circuit. Thus, consistent with the explanation provided above, Applicants' FIG. 2 cannot anticipate any claim that recites such a shunting step (e.g., canceled Claims 86-96). Again, the Examiner is invited to designate that particular part of Applicants' FIGS. 1-2 on which reliance is placed for disclosure of such a method step. In the absence of such designation, Applicants respectfully request withdrawal of this ground of rejection.

Thus, Applicants' FIGS. 1-2 do not anticipate any of the present or previously presented claims. Consequently, this ground of rejection is improper.

The Rejection of Claims 2, 5-8, 10-11, 15-21, 39, 54, 76, 87, 99-110 and 118
under 35 U.S.C. § 103(a) is Respectfully Traversed

The rejection of Claims 2, 5-8, 10-11, 15-21, 39, 54, 76, 87, 99-110 and 118 under 35 U.S.C. § 103(a) as being unpatentable over Applicants' FIGS. 1-2 in view of Jenkins et al. is respectfully traversed.

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First, Applicants' FIGS. 1-2 do not disclose a diode. Thus, Applicants' FIGS. 1-2 are saliently deficient with regard to any claim that recites a diode or an overvoltage protection circuit (comprising a diode) in communication with a common mode circuit, where at least part of the common mode circuit is electrically interposed between the diode (or overvoltage protection circuit) and the differential signal transmission line (e.g., canceled Claim 2, 87 and 89, and pending Claims 14-17, 19, 39, 40, 54, 76-77, 102 and 118-119).

It is not clear what deficiencies of Applicants' FIGS. 1-2 with regard to canceled Claims 1, 18, 24 and 86 (from which Claims 2, 5-8, 10-11, 15-21, 39, 54, 76, 87, 99-110 and 118 formerly depended, directly or indirectly) can be cured by Jenkins et al.

Without question, Jenkins et al. does not disclose a diode or an overvoltage protection circuit (comprising a diode) in communication with a common mode circuit, where at least part of the common mode circuit is electrically interposed between the diode (or overvoltage protection circuit) and the differential signal transmission line. Jenkins et al. merely discloses one or more overvoltage protection circuits (comprising one or more diodes) directly connected to a differential signal transmission line. The discussion of common mode input voltages in Jenkins et al. refers to differential inputs or a buffer upstream from the overvoltage protection circuit (see, e.g., col. 2, l. 59-col. 3, l. 5). Thus, Jenkins et al. cannot cure the deficiencies of Applicants' FIGS. 1-2 with regard to the present or previously pending Claims 2, 5-8, 10-11, 15-21, 39, 54, 76, 99-110 and 118, nor can Jenkins et al. provide motivation to modify Applicants' FIGS. 1-2 in the manner necessary to arrive at the present or previously pending Claims 2, 5-8, 10-11, 15-21, 39, 54, 76, 99-110 and 118. As a result, no combination of Applicants' FIGS. 1-2 and Jenkins et al. can render the present or previously pending Claims 2, 5-8, 10-11, 15-21, 39, 54, 76, 99-110 and 118 unpatentable, and the rejection of these claims would appear to be based on impermissible hindsight reconstruction.

Furthermore, Jenkins et al. does not disclose a circuit capable of shunting an overvoltage to a low impedance node through a termination circuit (previously pending Claim 87). As explained immediately above, Jenkins et al. directly connects one or more overvoltage protection circuits to a differential signal transmission line. An overvoltage cannot be shunted through any

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other circuit in the disclosure of Jenkins et al. Thus, Jenkins et al. cannot cure the deficiency of Applicants' FIGS. 1-2 with regard to the or previously pending Claim 87, nor can Jenkins et al. provide motivation to modify Applicants' FIGS. 1-2 in the manner necessary to arrive at the or previously pending Claim 87. As a result, no combination of Applicants' FIGS. 1-2 and Jenkins et al. can render the or previously pending Claim 87 unpatentable, and the rejection of Claim 87 would appear to be based on impermissible hindsight reconstruction.

Consequently, this ground of rejection is unsustainable, and should be withdrawn.

Conclusions

Applicants and their representatives again wish to thank Examiner Le for allowing Claims 3, 9, 14, 22, 23, 26, 33, 37, 41-43, 46, 59, 60, 67, 71, 74, 80, 81, 102, 114, 115 and 120. All rejected independent claims (i.e., Claims 1, 18, 24, 63, 86 and 121) have been canceled, without prejudice towards the filing thereof in any subsequent continuation application. The remaining rejected dependent claims have either been canceled (e.g., Claims 2, 45 and 87-96, again without prejudice towards the filing thereof in a subsequent continuation application) or amended to depend directly or indirectly from an allowed claim. Thus, Claims 3-17, 19-23, 25-44, 46-51, 53-54, 56-62, 64-85 and 97-120 are in condition for allowance.

In view of the above amendments and remarks, all bases for rejection are overcome, and the application is in condition for allowance. Early notice to that effect is earnestly requested.

Respectfully submitted,



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